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*Attorneys for Plaintiff and Potential Opt-in
Plaintiffs*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILL TOOMEY, Individually and On Behalf of
Others Similarly Situated,

Plaintiffs,

vs.

COLD BORE TECHNOLOGY CORP.,

Defendant.

Case No.: 2:24-cv-01579-MDC

**JOINT STIPULATION AND
PROPOSED ORDER AS TO
CONDITIONAL CERTIFICATION
AND NOTICE**

Plaintiff Will Toomey (“Plaintiff” or “Toomey”), individually and on behalf of others similarly situated, and Defendant Cold Bore Technology Corp. (“Cold Bore”), by and through their respective counsels of record, hereby request the Court approve this Joint Stipulation Regarding Conditional Certification and enter the attached Proposed Order.

1. In the interest of judicial economy and by agreement of the Parties as stated herein, Toomey and Cold Bore stipulate to conditionally certify this case as a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §216(b). Specifically, the Parties agree to conditionally certify a collective consisting of:

All Data Analysts, Field Technicians, or those holding similar job titles who worked

1 **for, or on behalf of, Cold Bore who were paid a day rate and no overtime at any time during**
 2 **the past three years.**

3 2. Nothing in this Stipulation shall be interpreted as limiting, waiving, or modifying
 4 any of the Parties' claims and/or defenses. This Stipulation is not an admission as to any
 5 underlying substantive issue in this controversy. Cold Bore is not waiving its right to later move
 6 for decertification of the conditionally certified collective/class.

7 3. The Parties further stipulate that the Notice and Consent Forms and the Contact
 8 Scripts that are attached as Exhibit 1 shall be used for purposes of informing the Putative
 9 Collective Action Members of this lawsuit and their right to participate.

10 4. The Parties further stipulate that the Putative Collective Actions Member shall
 11 have sixty (60) days from the date of initial mailing, e-mailing, and/or texting of the Notice to
 12 return their signed Consent to opt into this lawsuit as plaintiffs.

13 5. The Parties further stipulate to conform to the following Notice Timeline:

16 DEADLINE	SUBJECT
17 Within 30 Days of 18 Court Signing the 19 Stipulation	Cold Bore shall provide Plaintiff with the names of the workers who make up the Putative Collective Action Members, including the last known addresses, email addresses (both personal and work if available), phone numbers.
20 Within 21 Days from 21 Receiving Names & Contact 22 Information of Putative 23 Collective Action Members	Plaintiff's Counsel shall send the Court approved Notice and Consent Form to the Putative Collective Action Members via First Class U.S. mail, e-mail, and text message.
24 30 Days from Date 25 Notice is Mailed to Putative 26 Collective Action Members	Plaintiff's Counsel is authorized to send a second identical copy of the Notice and Consent forms to the Putative Collective Action Members via First Class U.S. mail, e-mail, and via text message.
27 60 Days from Date 28 Notice is First Transmitted to Putative Collective Action Members	The Putative Collective Action Members shall have 60 days to file their signed Consent forms with the Court.

6. The Parties will work together to exchange information during and following the opt-in period related to potential liability assessments to prepare for mediation.

IT IS SO ORDERED,

Hon. Maximiliano D. Couvillier III
United States Magistrate Judge
DATED: 3/7/25

1 Date: March 5, 2025

Respectfully Submitted,

2 /s/ Alyssa J. White

3 Michael A. Josephson

4 Andrew W. Dunlap

Alyssa White

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20 *Workers*

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